

Remarks

Claims 1 and 3-20 are pending in the application. The Examiner has withdrawn claims 4-12, 19 and 20 from consideration. Each of the remaining claims, claims 1, 3 and 13-18, was rejected. By this paper, Applicants have amended claims 1, 3, and 13-15. Based on the following, reconsideration of the claimed rejections is requested.

Claim Rejections — 35 U.S.C. § 112

The Examiner rejected claims 3, 14 and 15 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 3 and 14 have been amended to more clearly point out which elements of the clamp assembly Applicants intend to positively claim and which articles the claimed clamp assembly is merely intended to cooperate with.

Regarding claim 15, Applicants respectfully traverse this rejection. Claim 15 positively recites additional structure included in the first end of each clamp halves (i.e., a narrow neck region and a shoulder region) and describes how this additional structure cooperates with other unclaimed articles (i.e., the support channel). Proper antecedent basis for the support channel is included in the preamble of claim 13. The support channel was appropriately introduced in the preamble of claim 13 so as not to be positively claimed. Applicants submit this type of claim formulation is not only appropriate, but it is clear that the support channel is merely an intended use with the claimed clamp assembly.

Claim Rejections — 35 U.S.C. § 102

The Examiner rejected claims 1, 3 and 13-18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,419,942 (Dunklee). Applicants respectfully traverse this rejection.

The Examiner's anticipation rejection is baffling, particularly since the applied Dunklee reference was used as a mere secondary obviousness reference in a previous Office Action. Nonetheless, Applicants submit that the §102 rejection is improper and presents remarks below to this effect.

The MPEP states that “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131, 8th Ed., Rev. 3 (citation omitted). The MPEP further states that “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Id.* (Citation omitted).

Regarding claim 1, Dunklee fails to disclose “a unitary first clamp half...having...an adaptable inner surface for mating engagement with cylindrical members...wherein the adaptable inner surface...includes a plurality of transverse grip bumps” Rather, Dunklee merely discloses two jaw bodies 16, 18 hinged together with a pivot pin 22 for encircling a single, cylindrical sleeve-like bearing element or annulus 38. The one-piece cylindrical annulus 38 taught by Dunklee wraps around and contacts a cylindrical tube or hose 12 holding it in place; no surface of each jaw body contacts the hose, or contains grip bumps which contact the hose. Even the broadest reasonable interpretation of this claim precludes a finding that it reads on the 3-piece Dunklee clamp.

Moreover, Dunklee fails to disclose “a plurality of grip bumps extending axially along the adaptable inner surface and projecting radially inward.” The “grip bumps” referenced by the Examiner in applying the Dunklee reference extend annularly and circumferentially about the inner periphery of the inner surface, not axially.

Finally, Dunklee fails to disclose “a unitary first clamp half...having a first end slidably engageable to the support channel...including a shoulder region and a narrowed neck region.” The “first end” of each jaw body in Dunklee as applied by the Examiner is not slidably engageable with a u-shaped support channel. Nothing contained within Dunklee,

expressly or inherently, provides otherwise. Furthermore, it unequivocally fails to disclose a narrowed neck region and a shoulder region. Rather, Dunklee merely teaches “a knuckle hinge 20 having a pivot pin 22.” Col. 3, lines 18-19. In fact, neither end of the Dunklee clamp is slidably engageable with a u-shaped support channel. Importantly, the Examiner often refers to annulus 38 as reading on a support channel. Applicants submit that annulus 38 is a ring, sleeve, collar, donut, or other aptly described cylindrical member, but in no instance whatsoever can annulus 38 be regarded as an elongate u-shaped support channel.

In view of the foregoing, Applicants believe that claim 1 is allowable and ask that the corresponding anticipation rejection be withdrawn.

Claim 3 depends from claim 1 and is believed to be allowable based upon its dependency. Further, claim 3 recites the additional feature that “at least one of the plurality of grip bumps of the first clamp half and at least one of the plurality of grip bumps of the second clamp half makes direct contact with the cylindrical members.” The “grip bumps” in Dunklee as applied by the Examiner do not make direct contact with the hose 12. Moreover, the only structure in Dunklee that makes direct contact with the hose 12 is annulus 38. Annulus 38 is not a first clamp half (or a second clamp half, for that matter) having an adaptable inner surface including a plurality of grip bumps which can make direct contact with a cylindrical member as the claims recite. Furthermore, the Dunklee clamp is not “adapted to cooperate with the support channel.” Accordingly, claim 3 is believed to be allowable and the corresponding anticipation rejection should be withdrawn.

Regarding independent claim 13, Dunklee fails to disclose “a first clamp half having...an adaptable inner surface having a plurality of transverse, axially extending grip bumps projecting radially inward for mating engagement with cylindrical members.” Rather, Dunklee merely discloses two jaw bodies 16, 18 hinged together with a pivot pin 22 for encircling a single, cylindrical sleeve-like bearing element or annulus 38. The one-piece cylindrical annulus 38 taught by Dunklee wraps around and contacts a cylindrical tube or hose

12 holding it in place; no surface of each jaw body contacts the hose, or contains grip bumps which contact the hose.

Moreover, the “grip bumps” referenced by the Examiner in applying the Dunklee reference extend annularly and circumferentially about the inner periphery of the inner surface, not axially.

Finally, Dunklee fails to disclose “a first clamp half having a first end slidably engageable with the support channel.” The “first end” of each jaw body in Dunklee as applied by the Examiner is not slidably engageable with a u-shaped support channel. Nothing contained within Dunklee, expressly or inherently, provides otherwise. Rather, Dunklee merely teaches “a knuckle hinge 20 having a pivot pin 22.” Col. 3, lines 18-19. In fact, neither end of the Dunklee clamp is slidably engageable with a u-shaped support channel.

In view of the foregoing, Applicants believe that claim 13 is allowable and ask that the corresponding anticipation rejection be withdrawn.

Dependent claims 14-18 are believed to be allowable based upon their dependency from an allowable base claim. However, Applicants submit that claims 14-18 recite additional features that render them allowable on their own. For example, claim 14 recites the additional feature of “having at least two contact points for securing cylindrical members...to the support channel, the at least two contact points including the at least one of the plurality of grip bumps of the first clamp half and at least one of the plurality of grip bumps of the second clamp half.” Dunklee, however, fails to disclose these features. Rather, the annulus 38 in Dunklee is a one-piece structure providing a single point of contact with the hose 12.

As another example, claim 15 recites the additional feature “wherein the first end ...includes a narrowed neck region and a shoulder region for cooperating with the support channel to effectuate sliding engagement.” Applicants submit that Dunklee fails to teach these

elements. In general, the Dunklee clamp is incapable of being slidably engageable to a u-shaped support channel. Specifically, the Dunklee reference discloses no structure that would permit such an interface (e.g., a narrowed neck region and shoulder region). With sincere respect to the Examiner, merely rewriting Applicants' claim and parenthetically referencing a single figure of a reference generically is wholly inadequate and improper. Parenthetically referencing "interdigitated hinge fingers" does not save the rejection, especially when they are not shown in the figure or described in the specification. "Interdigitated hinge fingers" fall well short of the claim requirements "wherein the first end ... includes a narrowed neck region and a shoulder region for cooperating with the support channel to effectuate sliding engagement." Assuming *arguendo* that Dunklee's "interdigitated hinge fingers" could possibly read on Applicants' claim, they are certainly not described in sufficient and complete detail as is described in Applicants' claim.

As one more example, claim 18 recites the additional features "wherein the first clamp half aperture includes a boss for housing a nut, the boss having a detent formed therein for snap fit retention of the nut, the second clamp half aperture having a finger for retaining a bolt." Contrary to the Examiner's contention, Dunklee fails to disclose a detent for snap fit retention of the nut. The figures of Dunklee, which the Examiner relies upon as the only support for his rejection, disclose nothing more than a boss. Simply put, no detent is taught, either by the figures of the specification.

Moreover, Dunklee also fails to disclose a finger for retaining a bolt as recited by the claims. The finger of the present application can grip the bolt threads ever so slightly to retain the bolt, absent purposeful force, to limit the number of clamp parts that can be lost when it is not in use. (*see* Specification, p. 9, lines 4-20; Fig. 1B). The figures of Dunklee, which the Examiner relies upon as the only support for his rejection, disclose nothing more than a boss for the bolt head to reside within. Certainly, Dunklee does not disclose a finger, even given the broadest reasonable interpretation. It certainly does not show the identical invention in as complete detail as is contained in claim 18. Again, the Examiners practice of rewriting Applicants' claims and merely pointing to a figure to generally support his rejection


is wholly inadequate and improper. Nonetheless, Dunklee falls well short of teaching the recited features of claim 18, particularly the "detent" and the "finger." Accordingly, claim 18 is also believed to be allowable and the corresponding anticipation rejection should be withdrawn.

Conclusion

In view of the foregoing, Applicants respectfully asserts that the application is in condition for allowance, which action is hereby requested.

Respectfully submitted,

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Date: May 16, 2006

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